

REMARKS

Amendments

To the Claims

Applicant has amended the preambles of claims 8-10, 13 and 14 to recite a computer-readable storage medium to clarify that the claims should not be interpreted as encompassing a signal. Applicant respectfully submits no new matter has been added as a result of the amendments because they are supported, *intra alia*, in paragraph 56, on page 14, of the application as originally filed.

Rejections

Rejections under 35 U.S.C. § 101

Claims 22-24, 27 and 28

Claims 22-24, 27 and 28 stand rejected under 35 U.S.C. § 101 because the Examiner believes the claimed invention is directed to computer executable software code or a program per se.

Claims 22-24, 27 and 28 are means-plus-function claims under 35 U.S.C. § 112, sixth paragraph. Therefore, the claims are statutory if the specification discloses hardware structure corresponding to the claimed means. Applicant respectfully directs the Examiner's attention to paragraph 56, on page 14, and paragraph 58, on page 15, of the application as originally filed. Paragraph 58 describes computer program instructions as being executed on a computer to carry out the functions of the invention. Paragraph 56 describes an embodiment of a computer as having a processor that executes the computer program instructions from a memory. Thus, the corresponding structure for the means of claims 22-24, 27 and 28 is a computer processor executing instructions from a memory. Accordingly, Applicant respectfully submits that the invention as claimed in claims 22-24, 27 and 28 is statutory subject matter, and respectfully request the withdrawal of the rejection of the claims under 35 U.S.C. § 101.

SUMMARY

Claims 1-3, 6-10, 13-17, 20-24, 27 and 28 are currently pending. Claims 1-3, 6-10, 13-17, 20 and 21 are allowed. In view of the foregoing remarks, Applicant respectfully submits that all the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-8300 x3476.

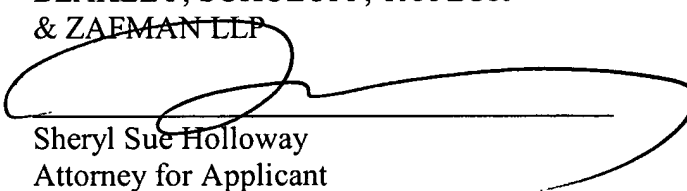
Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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